

From: [Chuck Pillon](#)
To: [Leefers, Kristin](#)
Subject: Re: EPA assessment and cleanup at your property
Date: Thursday, October 04, 2018 6:01:16 PM

Hello again...

As I said before I am preparing a more comprehensive reply to you message here...but I note at the bottom that you state that you "may pursue other methods" to obtain [LEGAL] access to my property. This is very significant. I am all for {LEGAL} action here...and it may be that we can mutually set some process in motion that will provide an opportunity for both sides to STATE THEIR CASE TO A PROPER COURT...and insure that EVERYTHING ABOUT OUR INTERACTION IS [LEGAL]! you are aware that I intend to raise certain issues of Process and Fourth Amendment protections I am sure...so lets talk more about a Hearing on all these matters.

It would suit me if EPA initiates this...but I wont make it too easy for you. I wont sign that "SURRENDER FORM" YOU SENT ALONG AND JUST GIVE EPA OR ANY OTHER AGENCY PERMISSION TO JUST LAND HERE AND PLUNDER MY PLACE. But I have been abundantly clear both in word and deed that I am always here for realistic [LEGAL] interaction to properly settle this whole thing. That must begin with an equitable "assessment" and opportunity for me to contest you proposed measures before implementation. More to come on this point.

I urgently request you answer my question regarding the EPA stand on assuming the DOE commitment to correct their original testing mistakes. You must give your colleagues to understand that that isolated drainage will be the only water available for testing because...just as Tracie Walters of DOE noted...and demonstrated [de facto]...there just isn't any water flow on this land until the heavy rains later in the year when that system floods.

I say EPA cant have it both ways...if you use DOE data to facilitate an intrusion out here...since EPA has no previous test data of your own...you accept the responsibility to correct that data if EPA intends to use it in adversarial manner against my interests.

Finally...I have to say for the record here...EPA effort to use elements of the Court's actions from the earlier State case are unseemly...and I believe actionable. EPA MUST BE AWARE THAT THAT CASE IS ON APPEAL.AND...I REPEAT... ATTEMPTS TO USE ELEMENTS OF IT AS DURESS TO MAKE ME SURRENDER TO EPA DEMANDS IS IMPROPER.

Let us proceed then...responsibly...either find us a Court House...or return to the clean up on the basis that has me cooperating with EPA as we were before.

regards

On Wednesday, October 3, 2018 02:38:29 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you

that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of

consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

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